



Practitioner's Docket No. U 014835-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hajime MIZUTANI, et al

Serial No.: 10/675,866 Group No.: 2853

Filed: September 30, 2003 Examiner.: Leonard S. Liang
Confirmation No.: 1875

For: TRANSFERRING PRESSURE ROLL, TRANSFERRING UNIT AND INK JET RECORDING APPARATUS

Mail Stop Issue Fees
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)

NOTE: Submission of a Transmittal of Payment of Issue Fee after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 6, 2001.

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.

NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate."

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

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37 C.F.R. 1.8(a)

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37 C.F.R. 1.10*

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Date: December 7, 2006

Signature

CLIFFORD J MASS

(Type or print name of person certifying)

**Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

2. **Applicant**

A. **Asserted small entity status in this application by**

- payment of the basic filing or national fee as a small entity (37 C.F.R. § 1.27(c)(3)) or**
- prior submission of a Written Assertion or Statement of Small Entity Status (37 C.F.R. § 1.27(c)(1))**

It is confirmed that small entity status for this application has been checked, is still in effect and is being asserted.

- A WRITTEN ASSERTION OR STATEMENT OF SMALL ENTITY STATUS** signed by an appropriate party as required by 37 C.F.R. § 1.27 is attached.

WARNING: *"Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).*

(complete the following, as applicable)

B. **Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.**

A "NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY" signed by an appropriate party is attached.

Applicant has not asserted small entity status.

3. **Fee (37 C.F.R. 1.18(a) and (b)):**

Application status is:

	<u>Regular</u>	<u>Design</u>
small business entity—fee	<input type="checkbox"/> \$ 700.00	<input type="checkbox"/> \$400.00
other than a small entity—fee	<input checked="" type="checkbox"/> \$1,400.00	<input type="checkbox"/> \$800.00
Publication Fee	<input checked="" type="checkbox"/> \$ 300.00	

4. **Payment of fee:**

- Enclosed please find check for \$_____.
- Charge Account 12-0425 for any fee deficiency or credit overpayment.
- Charge Account 12-0425 the sum of \$ 1700.
A duplicate of this request is attached.

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SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

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COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Applicants respectfully submit that the statement of reasons for allowance in the Detailed Action attached to the Notice of Allowability at page 2 is inaccurate insofar as it refers to the claims as requiring all of the following three elements: (a) polyethylene terephthalate (PET) film as heat resistant substrate; (b) an elastic layer comprising elastic material having a hardness less than HA40; and (c) a recording material having a finely roughened surface with raised portions having a height of 5-20 μm and a pitch of 50-500 μm . In fact, apparatus claims 9-14 were amended by Amendment dated 2 August 2006 to delete former recitations (a) and (b), which recited the recording material with roughened surface and the transferring film with PET substrate, respectively, as part of the claimed transferring unit.

As amended, the feed means of present recitation (a) of the apparatus claims must be able to perform the specified function of superimposing a transferring film atop a recording material with (a) a recording material having a finely roughened surface with raised portions having a height of 5-20 μm and a pitch of 50-500 μm , and (b) a transferring film having a substrate comprising a PET film. However, the apparatus claims do not recite or require that the recording material (a) and transferring film (b) are part of the claimed feed means.

Respectfully submitted,

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